

REMARKS

These amendments and remarks are in response to the Office Action dated January 13, 2009. Applicant requests a three-month extension of time and authorization is given to charge Deposit Account No. 50-0951 for the appropriate fees.

In the Office Action, claims 1-6 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting. Claims 1-7 were rejected under 35 U.S.C. §102(b). The rejections are discussed in more detail below.

I. Double-Patenting Rejection

Claims 1-4 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/572,403. Claims 5 and 6 are provisionally rejected in the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of copending Application No. 11/572,403.

The rejection in view of copending Application No. 11/572,403 is traversed. The present application claims priority to EP 03001868.3, filed January 29, 2003, and is a §371 national phase of PCT/EP2004/000232, filed January 15, 2004. Both the priority date of the present application and the PCT filing date are therefore earlier than the earliest claimed priority date of Application No. 11/572,403, which is July 29, 2004.

In addition, the reactor claimed in copending Application No. 11/572,403 is structurally distinct from the reactor according to the claims of the present application, including different features related to the structure of the catalytic beds as well as to the distributing and connecting means. Thus, there is no issue of double patenting.

For the foregoing reasons, withdrawal of the double patenting rejection is appropriate.

II. Rejections to the claims based upon Art

Claims 1-7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0018740 to Filippi et al. (hereafter "*Filippi*"). Applicants submit that the claims are patentable over these references.

First, Applicants note that the publication date of *Filippi* is February 14, 2002. This date is less than one year before the priority date of the present application, which is January 29, 2003. Accordingly, *Filippi* cannot be a §102(b) reference.

Turning now to the dispute of *Filippi*, Applicant notes that it is concerned with an axial type reactor, in which the reagents cross the catalytic layers 10 axially with respect to the axis of the reactor (i.e. in the same direction of such axis). The embodiment of figure 3 of *Filippi*, cited in the Office Action, is merely concerned with a conventional pseudo-isothermal axial reactor mentioned and criticized in the prior art portion of the present application at page 2, lines 1-12.

In stark contrast, the present claims relate to a pseudo-isothermal radial reactor, in which the reagents are made to cross the catalytic beds in a radial direction (i.e. perpendicular to the reactor's axis). The structure of the reactor referred to in the present claims is extremely different from and not comparable to the structure of the reactor according to figure 3 of *Filippi*.

Filippi, in the embodiments of figures 4 and 6, shows a radial type reactor with only a single reaction zone 10. Thus, the pseudo-isothermal radial reactor of figures 4 and 6 of *Filippi* suffers from the same drawbacks mentioned in the prior art portion of the description of the present application at page 2, line 13 to page 3, line 2.

Thus, the subject matter of independent claims 1 and 7 are patentable over the cited art. Similar arguments apply to dependent claims 2-6, which are believed allowable because of their dependence upon allowable base claims, and because of the further features recited. All claims are thus believed to relate to patentable subject matter, and to be in condition for allowance.

Amendment

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III. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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